

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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IN THE MATTER OF THE APPLICATION OF:

THE TRUSTEES OF THE BUILDING TRADES
ANNUITY FUND, EDUCATION FUND,
WELFARE FUND and the UNITED SERVICE
WORKERS SECURITY FUND,

ORDER
09-cv-3812 (ADS) (AKT)

Petitioner,

-against-

PROFESSIONAL PLUMBING OF STATEN
ISLAND CORP.,

Respondent,

FOR AN ORDER CONFIRMING THE AWARD
OF EUGENE T. COUGHLIN,

Arbitrator.

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APPEARANCES:

Barnes, Iaccarino, Virginia, Ambinder & Shepherd, PLLC
Attorneys for the petitioners
3 Surrey Lane
Hempstead, NY 11550

By: Danielle Marlene Carney, Esq., Of Counsel

NO APPEARANCE

Professional Plumbing of Staten Island Corp.

SPATT, District Judge.

The petitioners, Trustees of the Building Trades Annuity Fund, Education Fund, Welfare Fund, and the United Service Workers Security Fund, commenced this action on or about September 2, 2009, seeking enforcement of an award made by an arbitrator before whom the parties appeared. On February 18, 2010, the Court entered a default judgment against the defendants, and referred the matter to United States Magistrate Judge A. Kathleen Tomlinson for an inquest as to damages. On November 17, 2010, Judge Tomlinson issued a thorough Report recommending that the plaintiff be awarded damages in the amount of: (1) \$134,867.20 for unpaid contributions; (2) \$7,876.24 in interest; (3) \$26,973.44 in liquidated damages; (4) \$2,840.00 in attorneys' fees; and (5) \$2,530.00 in arbitrator's fees, court costs and disbursements. To date, no objection has been filed to Judge Tomlinson's Report and Recommendation.

In reviewing a report and recommendation, a court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed Judge Tomlinson's

Report and finds it be persuasive and without any legal or factual errors. There being no objection to Judge Tomlinson's Report, the Court adopts the Report.

For the foregoing reasons, it is hereby:

ORDERED that Judge Tomlinson's Report and Recommendation is adopted in its entirety, and it is further

ORDERED that the Clerk of the Court is directed to enter a default judgment against the defendants in the amount recommended by Judge Tomlinson; and it is further

ORDERED that the Clerk of the Court is respectfully directed to close this case.

SO ORDERED.

Dated: Central Islip, New York
March 17, 2011

/s/ Arthur D. Spatt

ARTHUR D. SPATT
United States District Judge